

C12  
1

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2011-0065 The Austin Hotel

**P. C. DATE:** 11/08/11, 01/10/12,  
01/24/12, 02/28/12

**ADDRESS:** 800 & 804 Congress Avenue

**AREA:** 0.338 acres

**APPLICANT:** Gone to Texas Capital One, L.P. (David Kahn) The Karotkin Family Real Estate Trust  
(Doris Karotkin, Trustee)

**NEIGHBORHOOD PLAN AREA:** Downtown

**CAPITOL VIEW:** Yes

**T.I.A.:** Waived – See the Transportation Reviewer’s  
comments.

**HILL COUNTRY ROADWAY:** No

**WATERSHED:** Town Lake

**DESIRED DEVELOPMENT ZONE:** Yes

**ZONING FROM:** CBD, Central Business District & CBD-H, Central Business District - Historic  
Landmark.

**ZONING TO:** CBD-CURE Central Business District - Central Urban Redevelopment District. CBD-H-  
CURE Central Business District - Historic Landmark - Central Urban Redevelopment District.

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends CBD-CURE – Central Business District – Central Urban Redevelopment District for Tract 1 and CBD-H-CURE – Central Business District – Historic Landmark-Central Urban Redevelopment District for Tract 2. The CURE overlay would allow a floor to area ratio of 20-1 and to modify Section 25-2-643 of the City Code to allow a building setback of fifteen feet (15’) from the property line adjacent to Congress Avenue for structures whose minimum height is thirty feet (30’) from ground level and whose maximum height may not exceed ninety feet (90’), Section 25-6-592(B)(1), (B)(2) and C(2) of the Austin City Code to allow for loading and unloading within the alley located between West 9th Street and West 8th Street adjacent to the property and to modify Section 25-6-501(E) of the Austin City Code to allow for off-site parking and to modify Section 25-6-591 of the Austin City Code to not provide an off-street parking facility. The applicant has also agreed to enter into a Public Restrictive Covenant with the City of Austin. The Restrictive Covenant would ensure that the project provides all required off-street parking in an off-site parking facility in accordance with Section 25-6-501 of the City Code and the provisions of Section 25-6-501(E) are modified to allow all parking for persons with disabilities to be located off-site as long as (i) such off-site parking meets the requirements of Section 25-6-501 and (ii) the minimum number of parking spaces for persons with disabilities as required by the Building Code are located on streets immediately adjacent to the site, comply with ADA design requirements and are in locations approved by the director of Planning and Development Review Department and the Austin Transportation Department and the Restrictive Covenant would ensure that the project complies with the City of Austin Great Streets Master Plan Streetscape Standards for any new development on the property.

**DEPARTMENT COMMENTS:**

The site is developed on the corner with a one story building that is currently a restaurant and to north a three story office building that is zoned "Historic" for the Bosch-Hogg building facade. The applicant is proposing a mid rise hotel that will include office space, restaurants, meeting space and live music venues. The applicant is proposing to leave the historic facade intact and construct the new building behind it. The applicant is requesting a reduction to the Congress Avenue Overlay. In particular, the applicant is requesting a building setback of fifteen feet (15') from the property line adjacent to Congress Avenue for structures whose minimum height is thirty feet (30') from ground level and whose maximum height may not exceed ninety feet (90'). There is a graphic in your backup that depicts the Congress Avenue Overlay and the applicant's request. The Downtown Austin Plan on page 73 recommends a reduction in the current sixty foot (60') setback to fifteen feet (15'). The Downtown Austin Plans states that the "required setback of 60 feet is greater than necessary to protect the historic character and symbolic significance of Congress Avenue". The Downtown Austin Plan on page 74 states that "the City should require building additions to historic structures to be stepped back from the Congress Avenue-facing facade by approximately 15 feet". The applicants request is in keeping with this recommendation of the Downtown Austin Plan. This request is similar to other requests in the Central Business District to add the "CURE" overlay to properties located in the urban core to allow for additional height for vertical development and for a reduction in the required setback along Congress Avenue. Four properties have recently requested a reduction from the required sixty foot (60') setback on the Congress Avenue Overlay to forty feet (40') and all were granted approval from the City Council. This site is located within the "desired development zone" where development is encouraged to locate. This case was heard by the Design Commission on September 26<sup>th</sup> and the Commission recommended approval of the request. This case was heard by the Downtown Commission on October 19<sup>th</sup> and their request was recommended and the vote was 8 for, 1 against and 3 abstained. This case was reviewed by the Historic Landmark Commission on December 12<sup>th</sup> and they voted to send the case to the Planning Commission with out a recommendation on a vote of 3-1. This case will be reviewed on February 27<sup>th</sup>. There is a valid petition filed against this rezone request. Note: Single family, multifamily and commercial uses on properties zoned CBD or DMU are required to meet a 1-star rating under Austin Energy's Green Building Program.

**PLANNING COMMISSION RECOMMENDATION:****HISTORIC LANDMARK COMMISSION RECOMMENDATION:**

This case was heard by the Historic Landmark Commission on December 12<sup>th</sup> and they voted to send the case to the Planning Commission without a recommendation on a vote of 3-1.

**DOWNTOWN COMMISSION RECOMMENDATION:**

The applicant attending the Downtown Commission on October 19<sup>th</sup> and their request was recommended and the vote was 8 for, 1 against and 3 abstained.

**DESIGN COMMISSION RECOMMENDATION:**

The Design Commission at their regularly scheduled meeting on September 26<sup>th</sup>, 2011, voted to approve the project as requested (see attached letter).

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**BASIS FOR RECOMMENDATION:**

1. *Granting of the request should result in an equal treatment of similarly situated properties.*

Granting the staff recommendation would be in keeping with granting similar requests to modify Floor-to-Area-Ratio (FAR) in the past.

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
SITE	CBD	Mixed use Building
NORTH	CBD	Mixed use Building
SOUTH	CBD-H	Mixed use Building
EAST	CBD-H	Mixed use Building
WEST	CBD-H	Mixed use Building

**CASE HISTORIES:**

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-01-0029	From CBD to CBD-CURE	Approved CBD-CURE [Vote: 8-1]	Approved CBD-CURE [Vote: 7-0]
C14-06-0071	From CBD-CURE to CBD-CURE	Approved CBD-CURE [Vote: 8-0]	Approved CBD-CURE [Vote: 5-0]
C14-06-069	From CBD to CBD-CURE	Approved CBD-CURE [Vote: 8-0]	Approved CBD-CURE [Vote: 5-0]
C14-08-0143	From CBD to CBD-CURE	Approved CBD-CURE [Vote: 8-1]	Approved CBD-CURE [Vote: 7-0]
C14-08-0144	From CBD to CBD-CURE	Approved CBD-CURE [Vote: 8-0]	Approved CBD-CURE [Vote: 5-0]
C14-09-0079	From CBD to CBD-CURE	Approved CBD-CURE [Vote: 8-0]	Approved CBD-CURE [Vote: 5-0]

**NEIGHBORHOOD ORGANIZATION:**

- Homeless Neighborhood Assn.
- Downtown Austin Neighborhood Coalition
- Pecan Street Owner's Association
- Downtown Austin Alliance
- Austin Warehouse District Association
- Old Pecan Street Association
- Sentral Plus East Austin Koalition
- Austin Neighborhood Council
- Downtown Austin Neighborhood Association
- Original Austin Neighborhood Association

C 12<sup>4</sup>  
/4

**SCHOOLS:**

Matthews Elementary School, O' Henry Middle School, Austin High School

**ENVIRONMENTAL:**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Town Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

**TRANSPORTATION:**

- TR1.** No additional right-of-way is needed at this time.
- TR2.** The traffic impact analysis for this site was waived because the applicant proposes that no parking will be provided on site. Additionally, there are currently no projects to which this site can contribute pro rata share. The traffic impacts analysis requirements will be reassessed at the time of site plan based on proposed driveway access, valet circulation plans, and the presence of on-site parking.
- TR3.** Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Congress	120	60	Arterial	Yes	Yes	No
8th Street	80	60	Arterial	Yes	Yes	No

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**SITE PLAN:**

- SP 1. This site is within the Congress Avenue Overlay and the National Registered Historic District. The Historic Landmark Commission may need to review the zoning case on the property. Please contact the Historic Preservation Officer at 974-6454 for additional information [Chapter 25-11]. Any remodel will also need to be reviewed and approved by the HLC.
- SP 2. Any new development is subject to Subchapter E, Design Standards and Mixed Use. Additional comments will be made upon submittal of the site plan.
- SP 3. FYI - For information about Great Streets (boundaries are 11th, Lamar, Town Lake and IH35), please contact Humberto Rey, with Urban Design Division of Neighborhood Planning and Zoning, at 974-7288. If any work is proposed within the ROW in the downtown area or any of the City of Austin's designated Core Transit Corridors, please also contact Humberto Rey and Andy Halm with ROW Management, at 974-7185.
- SP 4. FYI - This site is within the Downtown area (boundaries are MLK, Lamar, Town Lake and IH-35), and it is recommended that the Design Commission be contacted to discuss the project. For more information regarding the Design Commission, please contact Jorge Rousselin, with Urban Design Division of Neighborhood Planning and Zoning, at 974-2975.

**CITY COUNCIL DATE:** January 12th, 2012  
February 2<sup>nd</sup>, 2012

**ACTION:** Postponed to February 2, 2012

**ORDINANCE READINGS:** 1<sup>ST</sup>                      2<sup>ND</sup>                      3<sup>RD</sup>                      **ORDINANCE NUMBER:**

**CASE MANAGER:** Clark Patterson  
[Clark.patterson@ci.austin.tx.us](mailto:Clark.patterson@ci.austin.tx.us)

**PHONE:** 974-7691





C12/8

stin, TX, 78701



6 ft

© 2011 Google  
© 2011 Google



Google

30°16'3.77" N 97°40'34.79" W elev 537 ft

Eyealt 515 ft



# City of Austin

Founded by Congress, Republic of Texas, 1839  
Planning and Development Review Department  
One Texas Center, 505 Barton Springs Road  
P.O. Box 1088, Austin, Texas 78767

C12  
/9

*CAPITOL VIEW CORRIDOR DETERMINATION*

C17-2011-0090

For: 800 Congress  
8/10/2011

Case Reviewer: Lynda Courtney

974-2810

This site is traversed by Capitol View Corridor # 6, "South Congress at E. Live Oak". This was established as one of the view corridors in the Capitol View Preservation Ordinances 840802-T and 841220-CC. The Capitol View Corridor calculations are established to determine the maximum height structures may be built without compromising a straight line which connects a viewpoint to the base of the capitol dome.

For the Capitol View Corridor # 6, six points were identified on the site where the view corridor crosses the edge site corners of the property lines or at the midpoint of a segment line. Points A-F are shown on the attached graphic to illustrate the locations on which this determination was made.

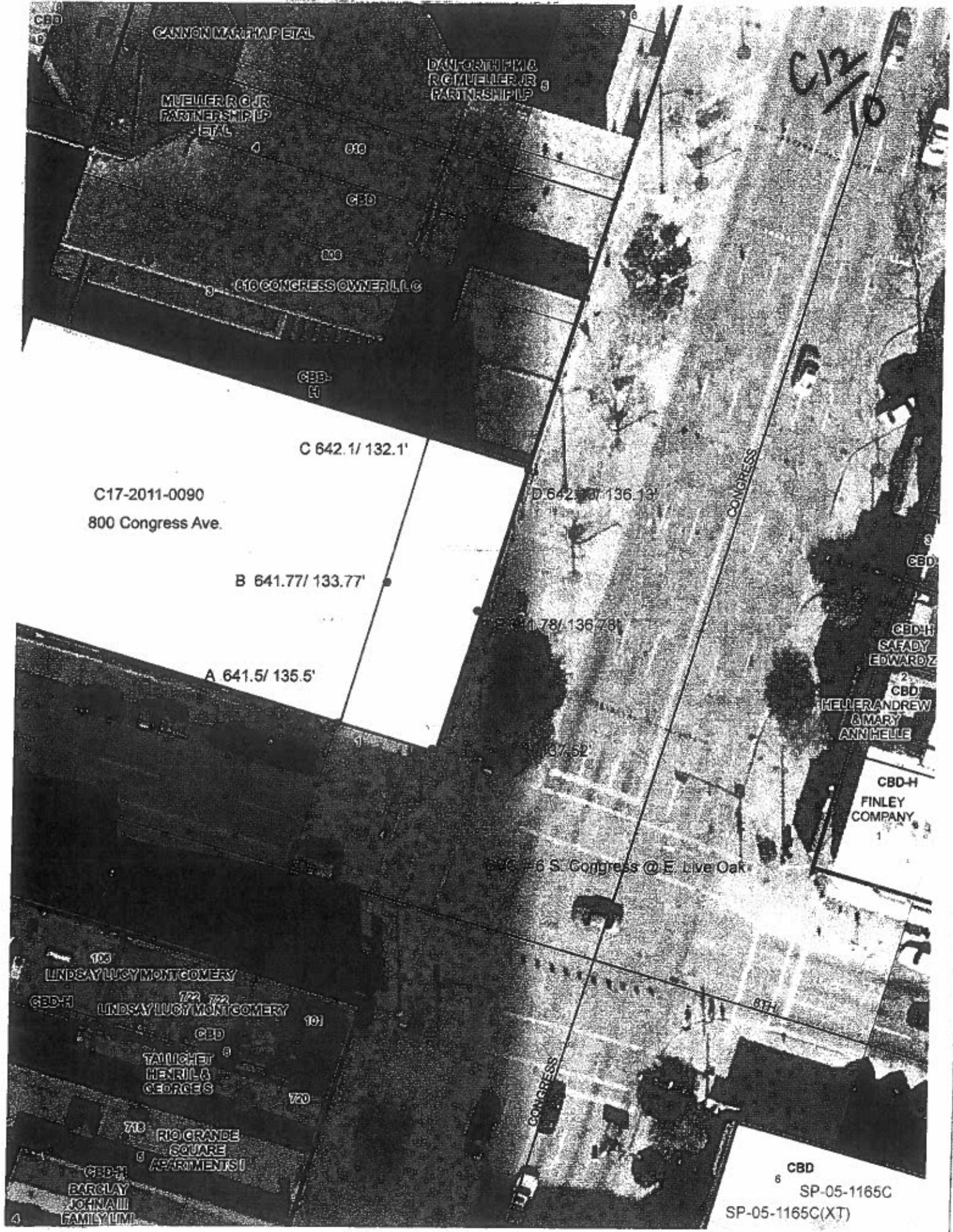
The specified points A-F, as shown on the graphic attachment, would allow for building heights between 132.10 to 137.52 feet above the ground level of the specified site. The maximum elevation allowable for any structure at this location would be between 641.10 and 642.13 feet above sea level.

The set of calculations are shown on the worksheet, included as an exhibit with this report. Height is measured as explained in the definition from the City of Austin Land Development Code. **The maximum elevations shown at these points represent the heights above sea level beyond which any development on the site cannot exceed.**

Allowable heights may be interpolated along the capitol view corridor lines based on these calculated points. The zoning for this site is CBD, "Central Business District" which has no specific height restriction. The maximum heights allowed in the Capitol View Corridor are more restrictive than the zoning heights, so those height limitations are the regulatory heights in that portion of the site.

If you have any questions about this determination, please call Lynda Courtney at 974-2810.

Lynda J. Courtney  
Development Services Process Coordinator  
Planning and Development Review Department  
Attachments



CANNON MARRAPETAL

DAN FORTH F & R  
G MUELLER JR  
PARTNERSHIP

MUELLER R G JR  
PARTNERSHIP  
ETAL

C10 CONGRESS OWNER LLC

C12  
/10

C 642.1/ 132.1'

C17-2011-0090  
800 Congress Ave.

D 642.78/ 136.13'

B 641.77/ 133.77'

E 641.78/ 136.78'

A 641.5/ 135.5'

CBD  
HELLER ANDREW  
& MARY  
ANN HELLE

CBD-H  
FINLEY  
COMPANY

642 #6 S. Congress @ E Live Oak

103  
LINDSAY LUCY MONTGOMERY

122 722  
LINDSAY LUCY MONTGOMERY

TALICHET  
HENRI &  
GEORGES

710  
RIO GRANDE  
SQUARE  
APARTMENTS I

BARCLAY  
JOHN III  
FAMILY LLM

CBD  
6  
SP-05-1165C  
SP-05-1165C(XT)



# Congress Avenue Overlay

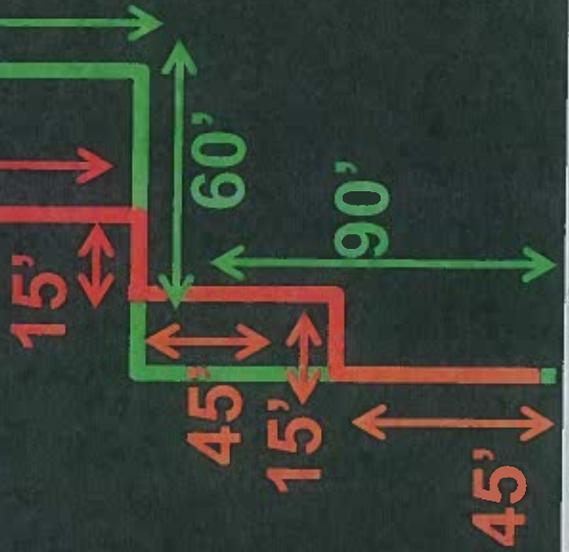


City Code



CURE Request

800-804 Congress



Street Level

012  
1/21

# Congress Avenue Overlay

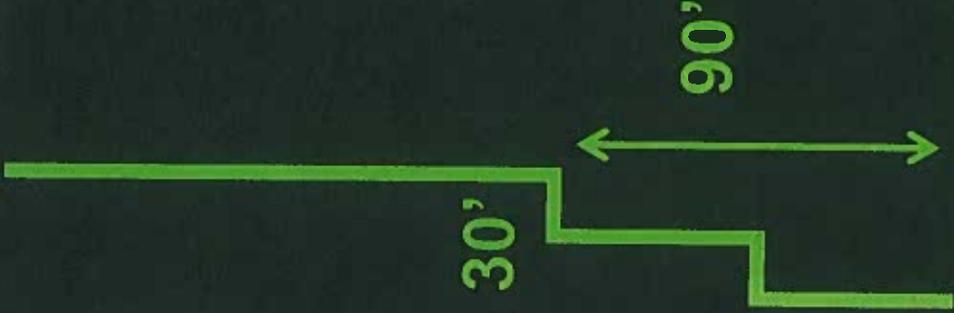
 City Code



CVC



CURE  
Request



Street Level

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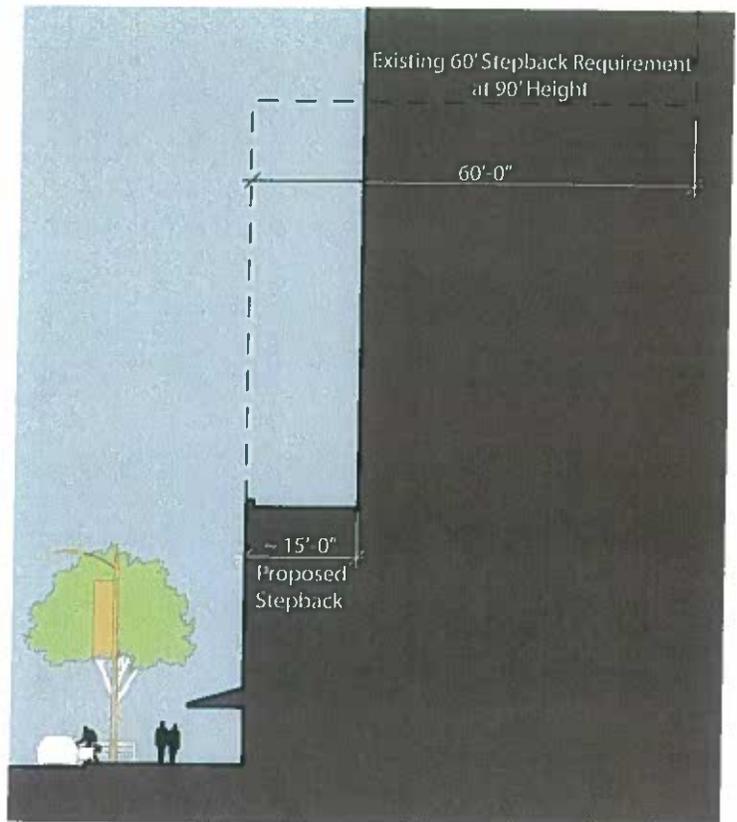
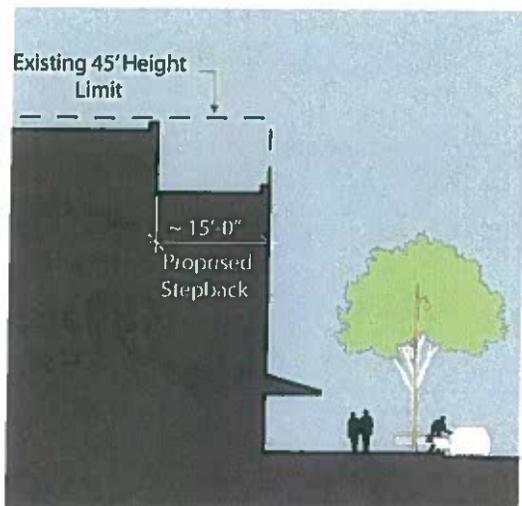
- The City should maintain these as design standards, but also require rooftop additions on historic buildings to be stepped back from the front façade of the original, historic structure by approximately 15 feet. This would help maintain the original building’s distinct form, silhouette and prominence, while allowing for compatible roof terraces and/or additional stories.
- The *Sixth Street Austin* Public Improvement District (PID) should be tasked with developing appropriate rooftop terrace and signage standards and with enforcing these.



*The character of the East 6th Street NRHD has been diminished by ad hoc rooftop additions.*

**HP-2.4: Introduce stepback provisions for new buildings and building additions within the Congress Avenue National Register Historic District.**

Properties along Congress Avenue are currently under the protection of a NRHD, a Capitol View Corridor and the Congress Avenue Overlay District. The Overlay requires new buildings (or additions) to step back by 60 feet starting at a height of at least 30 feet, but no greater than 90 feet. This required stepback of 60 feet is greater than necessary to protect the historic character and symbolic significance of Congress Avenue since existing tall buildings (e.g., along the east side of Congress Avenue) have already shaped the street. In addition, there are no regulations to guide the construction of additions to existing buildings on the Avenue, which is especially important when these are historically significant.



**Proposed Stepback Provision for East 6th Street and Congress Avenue NRHDs**

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- The City should require building additions to historic structures to be stepped back from the Congress Avenue-facing façade by approximately 15 feet. In addition, the City should consider relaxing the 60-foot setback requirement of the Congress Avenue Overlay District.

**HP-3. ADMINISTRATION:** *The City should intensify its role in managing and funding Downtown preservation.*

Currently the City's Historic Preservation Office has three full-time staff, which is not adequate to accomplish much beyond the monthly administration of Historic Landmark Commission meetings. The CHPO is not funded to engage in more proactive planning efforts, required updates, public outreach and education, website development, etc., nor does it have the ability to support high-priority preservation projects. There are also no sources of capital funding for needed renovations of key Downtown historic resources, including publicly-owned parks and park structures, bridges, etc. The few grant programs available for historic preservation are generally small and reserved for local government organizations.

The City's seven commissioners on the Historic Landmark Commission are called upon to interpret federal, state and local standards for designation of landmarks and districts, and to do so objectively, fairly and consistently. They must review building permit and Certificate of Appropriateness applications and determine whether the work proposed is consistent with best preservation practices and federal, state and local standards for preservation, rehabilitation and restoration. It is important that there be sufficient staff capacity to advise the Commission, and that the Commission be reinforced with members who have technical expertise, including preservation architects and architectural historians, who could continue to provide informed and effective review of project applications.

*Restoration of Downtown's historic public infrastructure, such as bridges and parks, is needed.*





# City of Austin

Founded by Congress, Republic of Texas, 1839  
Planning and Development Review Department  
One Texas Center, 505 Barton Springs Road  
P.O. Box 1088, Austin, Texas 78767

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October 7, 2011

Ms. Michele Haussmann  
Winstead, PC

Re: Unofficial Design Commission Action on the Austin Hotel

Dear Ms. Haussmann,

This letter is to inform you of the unofficial Design Commission action on the above referenced project submittal to the Commission on September 26, 2011. The agenda posting and action were as follows:

*Discussion and possible action on the Conceptual submittal of the Austin Hotel located at 800 and 804 Congress Ave. seeking additional entitlements on the property in reference to the floor-to-area ratio, off-site parking, modification of the stepback requirements of the Congress Ave. Overlay, and maneuvering in the alley. (David Kahn, Colina West);  
The motion to approve project as presented with requested entitlements made by Jeannie Wiginton and second by David Knoll was approved on a vote of 6-0.*

Please note that the above does not represent official meeting minutes as those will be considered at the Design Commission regular meeting on October 24, 2011.

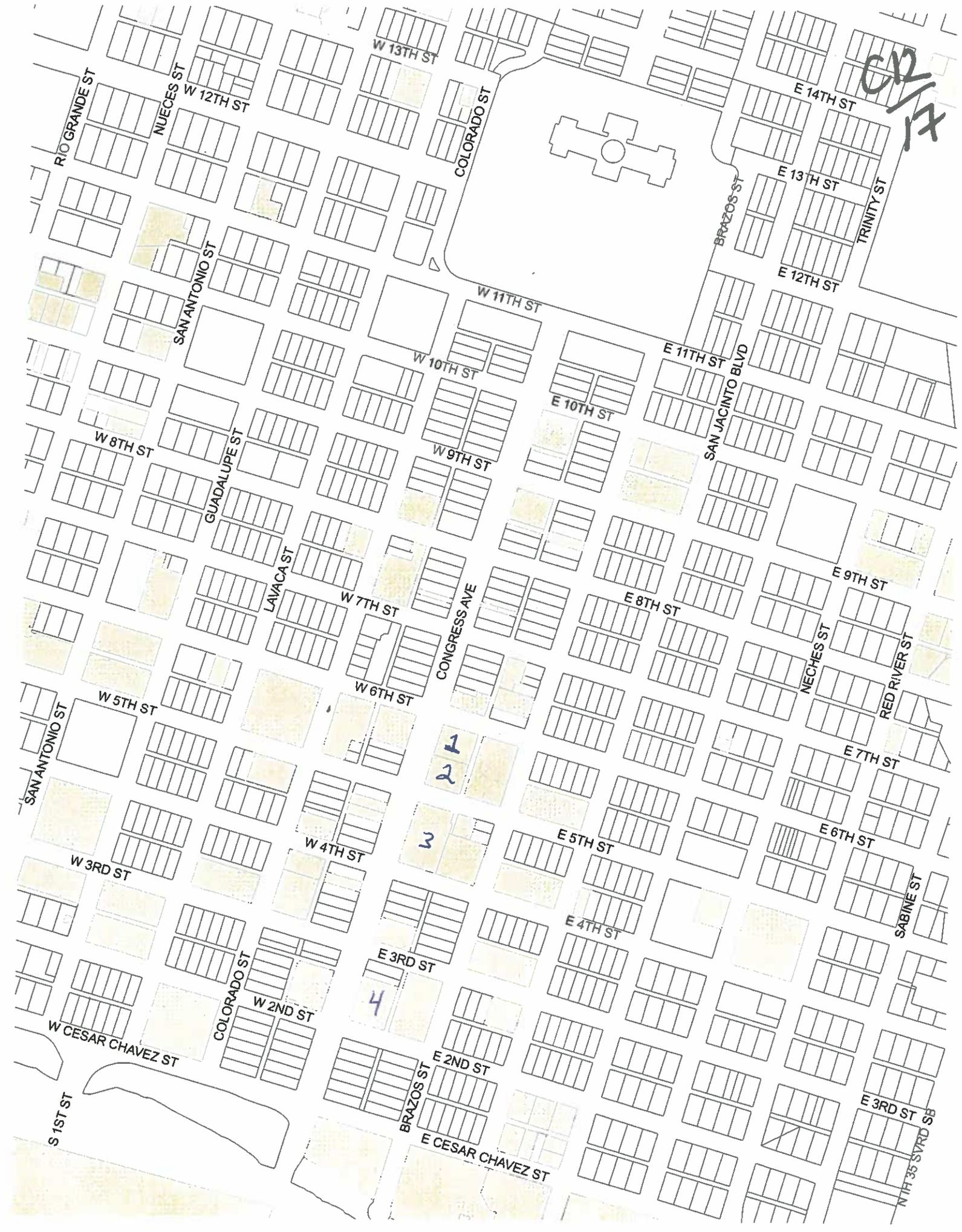
Please contact me at (512) 974-2975 if you have any questions or need additional information.

Sincerely,

Jorge E. Rousselin, Development Services Process Coordinator  
Planning and Development Review Department - Urban Design Division

cc: George Adams, Assistant Director, PDRD  
Jim Robertson, Manager, Urban Design Division, PDRD  
Bart Whatley, Chair, Design Commission  
Clark Patterson, Senior Planner, PDRD

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ORDINANCE NO. 010802-13

# 1  
C12  
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**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 501-515 CONGRESS AVENUE FROM CENTRAL BUSINESS DISTRICT (CBD) TO CENTRAL BUSINESS DISTRICT-CENTRAL URBAN REDEVELOPMENT (CBD-CURE) COMBINING DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from Central Business District (CBD) to Central Business District-Central Urban Redevelopment (CBD-CURE) combining district on the property described in File C14-01-0029, as follows:

Lots 1-6, Block 56, Original City of Austin, Travis County, according to the map or plat on file in the General Land Office of the State of Texas, (the "Property")

locally known as 501-515 Congress Avenue, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

**PART 2.** The regulations for the Property within the boundaries of the CURE combining district established by this ordinance are modified as follows:

1. Development of the Property may not exceed a floor to area ratio (F.A.R.) of 12 to 1.
2. Section 25-2-643 of the City Code is modified to allow a building setback of 40 feet from the property line adjacent to Congress Avenue for a structure whose minimum height is 30 feet from ground level and whose maximum height may exceed 90 feet.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the central business district (CBD) base district and other applicable requirements of the City Code.

**PART 3.** The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on August 13, 2001.

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**PASSED AND APPROVED**

\_\_\_\_\_  
August 2, 2001

§  
§  
§  
\_\_\_\_\_  
*Kirk Watson*

Kirk Watson  
Mayor

**APPROVED:** \_\_\_\_\_  
*Sedora Jefferson*  
Sedora Jefferson  
Acting City Attorney

**ATTEST:** \_\_\_\_\_  
*Shirley A. Brown*  
Shirley A. Brown  
City Clerk



<p>1" = 200'</p>	<p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: G.RHOADES</p>	<h2>ZONING EXHIBIT A</h2>		<p>CITY GRID REFERENCE NUMBER</p> <p>J22</p>
	<p>CASE #: C14-01-0029</p> <p>ADDRESS: 501-515 CONGRESS AVE</p> <p>SUBJECT AREA (acres): 1.013</p>	<p>DATE: 01-02</p> <p>INTLS: BAR</p>		

ORDINANCE NO. 20080925-110

# 2  
C12  
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**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 501 NORTH CONGRESS AVENUE FROM CENTRAL BUSINESS DISTRICT-CENTRAL URBAN REDEVELOPMENT DISTRICT (CBD-CURE) COMBINING DISTRICT TO CENTRAL BUSINESS DISTRICT-CENTRAL URBAN REDEVELOPMENT DISTRICT (CBD-CURE) COMBINING DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from central business district-central urban redevelopment district (CBD-CURE) combining district to central business district-central urban redevelopment district (CBD-CURE) combining district on the property described in Zoning Case No. C14-2008-0144, on file at the Neighborhood Planning and Zoning Department, as follows:

Lots 1, 2, and 3, Block 56, Original City of Austin, according to the map or plat on file in the General Land Office of the State of Texas (the "Property"),

locally known as 501 North Congress Avenue, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

**PART 2.** The site development regulations for the Property within the boundaries of the CURE combining district established by this ordinance are modified as follows:

- A. Development of the Property may not exceed a floor-to-area ratio (F.A.R.) of 20.0 to 1.0.
- B. Section 25-2-643(A) (*Congress Avenue (CA) Combining District Regulations*) is modified to allow a building setback of 40 feet from Congress Avenue for a structure with a minimum height of 30 feet and a maximum height of 90 feet.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the central business district (CBD) base district and other applicable requirements of the City Code.

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**PART 3.** This ordinance takes effect on October 6, 2008.

**PASSED AND APPROVED**

\_\_\_\_\_  
September 25, 2008

§  
§  
§

\_\_\_\_\_  
*Will Wynn*  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
*David Allan Smith*  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
*Shirley A. Gentry*  
Shirley A. Gentry  
City Clerk



ZONING EXHIBIT A

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE

OPERATOR S. MEEKS

ZONING CASE# C14-2008-0144  
 ADDRESS: 501 CONGRESS AVE  
 SUBJECT AREA 0.5069 ACRES  
 GRID J22  
 MANAGER C. PATTERSON



1" = 400'

This map has been produced by GIS Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

ORDINANCE NO. 001130-107

# 3  
C12  
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**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:**

**LOT 1-6, BLOCK 42, ORIGINAL CITY OF AUSTIN, FROM CENTRAL BUSINESS DISTRICT (CBD) TO CENTRAL BUSINESS DISTRICT-CENTRAL URBAN REDEVELOPMENT (CBD-CURE) COMBINING DISTRICT, LOCALLY KNOWN AS 401-421 CONGRESS AVENUE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from central business district (CBD) to central business district-central urban redevelopment (CBD-CURE) combining district on the property described in File C14-00-2208, as follows:

Lots 1-6, Block 42, Original City of Austin, according to the map or plat on file at the General Land Office of the State of Texas (the "Property")

locally known as 401-421 Congress Avenue, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

**PART 2.** The regulations for the Property within the boundaries of the CURE combining district established by this ordinance are modified as follows:

1. Development of the Property may not exceed a floor to area ratio (F.A.R.) of 12 to 1.
2. Section 25-2-643 of the City Code is modified to allow a building setback of 40 feet from the property line adjacent to Congress Avenue for a structure whose minimum height is 30 feet from ground level and whose maximum height is 90 feet from ground level.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the central business district (CBD) base district and other applicable requirements of the City Code.

**PART 3.** The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

**PART 4.** This ordinance takes effect on December 11, 2000.

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**PASSED AND APPROVED**

\_\_\_\_\_, November 30 \_\_\_\_\_, 2000

*Kirk Watson*

Kirk Watson  
Mayor

**APPROVED:** *Andrew Martin*

Andrew Martin  
City Attorney

**ATTEST:** *Shirley A. Brown*

Shirley A. Brown  
City Clerk



<p>1" = 200'</p>	<p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: G.RHOADES</p>	<p><b>ZONING EXHIBIT A</b></p>		<p>CITY GRID REFERENCE NUMBER</p> <p>J22</p>	
	<p>CASE #: C14-00-2208</p> <p>ADDRESS: 401-421 CONGRESS AVE.</p> <p>SUBJECT AREA (acres): 1.015</p>	<p>DATE: 00-10</p> <p>INTLS: TRC</p>			

ORDINANCE NO. 20100624-126

# 4  
C12  
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**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 209 CONGRESS AVENUE FROM CENTRAL BUSINESS DISTRICT (CBD) DISTRICT TO CENTRAL BUSINESS DISTRICT-CENTRAL URBAN REDEVELOPMENT DISTRICT (CBD-CURE) COMBINING DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from central business district (CBD) district to central business district-central urban redevelopment district (CBD-CURE) combining district on the property described in Zoning Case No. C14-2010-0054, on file at the Planning and Development Review Department, as follows:

Lots 1-4, and the south 14.7 feet of Lot 5, Block 18, Original City of Austin, Travis County, Texas, according to the map or plat of record on file in the General Land Office of the State of Texas, (the "Property"),

locally known as 209 Congress Avenue, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

**PART 2.** The site development regulations for the Property within the boundaries of the CURE combining district established by this ordinance are modified as follows:

The following applies to a project with a hotel-motel use with a total of at least 700 rooms on this Property and the property described in Exhibit "B" attached to this ordinance:

1. Development of the Property may not exceed a floor-to-area ratio (F.A.R.) of 16.0 to 1.0, unless the developer elects to participate in the development bonus program under Section 25-2-586 (*Affordable Housing Incentives in a Central Business District (CBD) or Downtown Mixed Use (DMU) Zoning District*) of the Code. Development of the Property under Section 25-2-586 may not exceed a F.A.R. of 25.0 to 1.0, and the floor-to-area ratio limitation for the development shall be 16.0 to 1.0 for the purpose of calculations made under Section 25-2-586.

C12/28

- 2. Section 25-6-592 (C) (2) (*Loading Facility Provisions for the Central Business District (CBD) and a Downtown Mixed Use (DMU) Zoning District*) of the Code is modified to allow loading and unloading within the alley located between 2nd Street and 3rd Street.
- 3. Section 25-2-643 (*Congress Avenue Combining District Regulations*) of the Code is modified to allow within 40 feet of Congress Avenue a minimum structure height of 30 feet and a maximum structure height of 90 feet.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the central business district (CBD) base district, and other applicable requirements of the City Code.

**PART 3.** This ordinance takes effect on July 5, 2010.

**PASSED AND APPROVED**

\_\_\_\_\_ June 24 \_\_\_\_\_, 2010

§  
§  
§

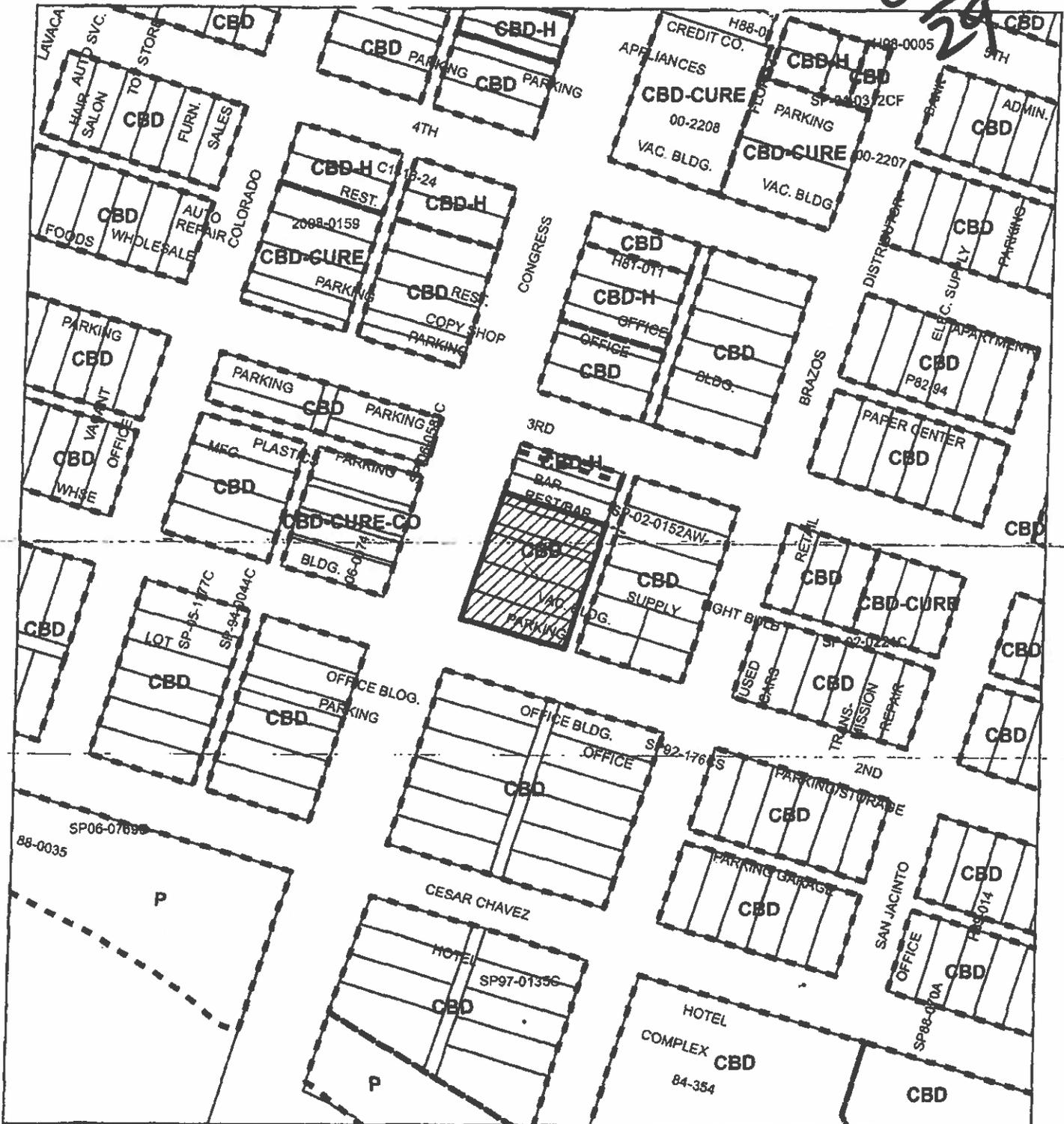
*Lee Leffingwell*

Lee Leffingwell  
Mayor

APPROVED: *Karen M. Kennard*  
Karen M. Kennard  
Acting City Attorney

ATTEST: *Shirley A. Gentry*  
Shirley A. Gentry  
City Clerk

C12/29



- Legend**
-  SUBJECT TRACT
  -  PENDING CASE
  -  ZONING

SCALE: 1" = 200'

ZONING EXHIBIT A

CASE NUMBER: C14-2010-0054  
 ADDRESS: 201, 209 & 213 CONGRESS AVE  
 AREA: 0.7299 AC.  
 GRID: J22  
 CASE MGR: C. PATTERSON



This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



C12  
30

Downtown Austin Neighborhood Association

SOCIAL  
KNOWLEDGEABLE  
INFLUENTIAL

Michael McGill  
President

Josh Allen  
Vice President

Madge Whistler  
Secretary

Albert Stowell  
Treasurer

Jocelyn Dabeau

Jude Galligan

Amber Gugino

Olivia Jones

Barry C. Lewis

Bill McCann

Mitchell McGovern

Ian Stonington

Kristina Witt

20 January 2012

Honorable Mayor Leffingwell, City Council Members and Planning Commissioners:

The Downtown Austin Neighborhood Association (DANA) wishes to express its support for the variances sought by the Colina West / Austin Hotel project at Congress Avenue and 8<sup>th</sup> Street as specifically presented and tied to this proposal

We understand that the applicant is seeking three variances:

- 1) A change of allowable FAR from 8:1 to 20:1

We support this variance as we believe the added density will bring vitality to the neighborhood and economic benefit to the city. The project also complies with the density bonus program which we supported and was recently passed in the Downtown Austin Plan (DAP) but has not yet been codified.

- 2) Allowing off-site parking

We are encouraged by the developer's effort to use existing overbuilt parking capacity in our Downtown, however the details of their off-site proposal were neither presented or reviewed. If this project seeks to develop any stand-alone garages on nearby lots, including state-owned property, we expect them to conform to city of Austin standards on screening and ground floor retail. Additionally, we support the proposal for services to access and maneuver in the alley instead of the roadway.

- 3) Reducing the Congress Avenue Overlay stepback to 30 feet from 60 feet

DANA respects Capitol View Corridor 6 (South Congress) and this project does not violate that statute, but rather, the Congress Avenue Overlay, which seeks to protect the feel and massing of the streetscape from the perspective of the pedestrian on the sidewalk. City Code states that the purpose of the Congress Avenue overlay district is to protect the historic character and symbolic significance of Congress Avenue and to enhance the pedestrian environment of the area. DANA believes that this specific project would activate a key part of Congress Avenue, enhancing the pedestrian environment while respecting historic character of the Bosch-Hogg façade and the area with a two-tiered stepback and open plaza on the Southeastern corner.

As the DAP suggests that a case-by-case review for relaxing the Congress Avenue Overlay, DANA's support is only for this proposed project and should not be considered as precedent or as an enhancement of property entitlements that would carry over to a different project for the site should this one not come to fruition.

Consistent with our mission, DANA believes this specific project will enhance the quality of life for those who live, work and play downtown, and therefore supports the requested variances.

Sincerely,

Josh Allen

Vice President (signing on behalf of DANA board due to recusal and abstention of president)

C12  
1/31

Mayor Lee Leffingwell and  
Members of the City Council  
PO Box 1088  
Austin, Texas 78767

December 13, 2011

RE: 800 Congress application and Congress Avenue

Dear Mayor and Council members,

As you walk Congress Avenue, you enjoy a largely unrestricted view of the Capitol Building due to building height setbacks from the Avenue.

The setbacks were codified by the City Council within the 1984 revised Chapter 13-2A Zoning Ordinance. I am grateful to have served as the Chairman of the Committee that wrote the Overlay and the Zoning Ordinance, which received unanimous Council support.

The Zoning Ordinance Committee carefully crafted the setback in conjunction with the private-sector owners and the larger community to maintain prime views of the Capitol and to improve downtown and the Avenue.

Private-sector building owners supported the setback with their risk investment dollars, architecture, and commitment to a grand Avenue. The owners' high-rises reflect the setback standard even as some buildings preceded its adoption. We at the Trammell Crow Company respected the setback on our 301 Congress high-rise even though our view of the Capitol Building was already blocked by the Hines building at Sixth and Congress. Other building owners up and down the Avenue acted in concert.

Consequently, the setback standard should be maintained as a reflection of the Committee's, Council's, public's and owners' commitment to enhance the architecture and grandeur of Congress Avenue and the Capitol.

Respectfully,



David Bodenman  
Chairman, Zoning Ordinance Committee, 1984  
Chairman, Planning Commission, 1980-81

**PUBLIC HEARING INFORMATION**

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2011-0065

Contact: Clark Patterson, (512) 974-7691

Public Hearing: Historic Landmark Commission, Oct 24, 2011  
Planning Commission, Nov 8, 2011  
City Council, Jan 12, 2012

*NICHOLAS SPAENZ-PAYMOUNT*

Your Name (please print) *THE STATE*

*713 CONGRESS AVENUE*

Your address(es) affected by this application

*[Signature]*

Signature

*11/18/2011*

Date

Daytime Telephone: *512-692-0528*

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

*C12  
11/18  
32*

**PUBLIC HEARING INFORMATION**

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Case Number: C14-2011-0065  
Contact: Clark Patterson, (512) 974-7691  
Public Hearing: Historic Landmark Commission, Oct 24, 2011  
Planning Commission, Nov 8, 2011  
City Council, Jan 12, 2012

NICHOLAS SPENZ - STATE THEATRE  
Your Name (please print)

I am in favor  
 I object

719 CONGRESS AVENUE  
Your address(es) affected by this application

[Signature]  
Signature

11/18/2011  
Date

Daytime Telephone: 512-692-0525

Comments:  
\_\_\_\_\_  
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If you use this form to comment, it may be returned to:  
City of Austin  
Planning & Development Review Department  
Clark Patterson  
P. O. Box 1088  
Austin, TX 78767-8810

C12  
33

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Case Number: C14-2011-0065  
 Contact: Clark Patterson, (512) 974-7691  
 Public Hearing: Historic Landmark Commission, Oct 24, 2011  
 Planning Commission, Nov 8, 2011  
 City Council, Jan 12, 2012

David Kaha  
 Your Name (please print)

I am in favor  
 I object

804 Congress  
 Your address(es) affected by this application

David Kaha by CP  
 Signature

10.22.11  
 Date

Daytime Telephone: 512 482 6122

Comments:  
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If you use this form to comment, it may be returned to:  
 City of Austin  
 Planning & Development Review Department  
 Clark Patterson  
 P. O. Box 1088  
 Austin, TX 78767-8810

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**PUBLIC HEARING INFORMATION**

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Case Number: C14-2011-0065  
Contact: Clark Patterson, (512) 974-7691  
Public Hearing: Historic Landmark Commission, Oct 24, 2011  
Planning Commission, Nov 8, 2011  
City Council, Jan 12, 2012

Case To Texas CAPITAL ONE LP  
Your Name (please print) SHELDON DAVID KAHN  
804 CONGRESS AV  
Your address(es) affected by this application  
 I am in favor  
 I object

[Signature]  
Signature  
Date 10-20-11

Daytime Telephone: (512) 426-5136  
Comments: CALSDOT PROJECT 1

If you use this form to comment, it may be returned to:

City of Austin  
Planning & Development Review Department  
Clark Patterson  
P. O. Box 1088  
Austin, TX 78767-8810

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**PUBLIC HEARING INFORMATION**

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Case Number: C14-2011-0065

Contact: Clark Patterson, (512) 974-7691

Public Hearing: Historic Landmark Commission, Oct 24, 2011  
Planning Commission, Nov 8, 2011  
City Council, Jan 12, 2012

SINCLAIR BLACK ESP. AUSTIN JSB  
Your Name (please print)

I am in favor  
 I object

208 WEST 4TH ST.

Your address(es) affected by this application

Sinclair Black

Signature

10.19.11

Date

Daytime Telephone: 731-9471

Comments: BY ALL MEANS, WE NEED MORE  
SMALL HOTELS.

If you use this form to comment, it may be returned to:

City of Austin  
Planning & Development Review Department  
Clark Patterson  
P. O. Box 1088  
Austin, TX 78767-8810

42  
36

**PUBLIC HEARING INFORMATION**

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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Case Number: C14-2011-0065  
Contact: Clark Patterson, (512) 974-7691  
Public Hearing: Historic Landmark Commission, Oct 24, 2011  
Planning Commission, Nov 8, 2011  
City Council, Jan 12, 2012

I am in favor  
 I object

*Denis Karotkin*  
Your Name (please print)

*Denis Karotkin*  
Your address(es) affected by this application

*Denis Karotkin*  
Signature

*10/27/11*  
Date

Daytime Telephone: \_\_\_\_\_

Comments: \_\_\_\_\_

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If you use this form to comment, it may be returned to:

City of Austin  
Planning & Development Review Department  
Clark Patterson  
P. O. Box 1088  
Austin, TX 78767-8810

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11  
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C12  
/38



**MEMORANDUM**

\*\*\*\*\*

TO: Laurie Limbacher, Chair  
Historic Landmark Commission Members

FROM: Clark Patterson, AICP  
Planning and Development Review Department

DATE: November 9, 2011

RE: Congress Avenue Overlay

\*\*\*\*\*

In 1984 various ordinances and legislation was passed in an effort to preserve key public views to the Capitol building and dome, and in doing so, the image and identity of Austin as the capital city of Texas. This passage of ordinances and legislation was in response to community concerns that new high-rise development was beginning to overshadow and obstruct views to the Capitol. Consequently, the City and State adopted several ordinances and legislation including the Capitol Dominance Zone that limits building height within a certain radius of the Capitol, the Capitol View Corridors (CVCs), which protect 35 different viewpoints to the Capitol through specific height limits and the Congress Avenue Overlay District, which requires step backs for buildings along the central avenue. The Congress Avenue Overlay was a direct response to the development of a few high rise buildings that had been constructed at the property line with vertical walls going up without any wall articulation. The purpose of the Congress Avenue Overlay was to prevent the "canyon effect" along Congress Avenue.

**§ 25-2-165 CONGRESS AVENUE (CA) OVERLAY DISTRICT PURPOSE AND BOUNDARIES.**

(A) The purpose of the Congress Avenue (CA) overlay district is to protect the historic character and symbolic significance of Congress Avenue and to enhance the pedestrian environment of the area.

(B) The CA overlay district applies to all property zoned CBD or DMU that is between the alleys on each side of and parallel to Congress Avenue from First Street to Eleventh Street.

Source: Section 13-2-172; Ord. 990225-70; Ord. 031211-11.

C12/39



909 Congress Ave, Austin, TX 78701

© 2011 Google

© 2011 Google

30°16'14.53"N 97°44'29.83"W elev 602 ft

Google

Eye alt: 511 ft

C12  
/40

2917 BOUNDARIES

Boundaries for the CDZ Capitol Dominance Zone shall include all properties within one-fourth mile radius of the State Capitol dome (1,320 feet).

2918 USE REGULATIONS

Permitted and conditional uses for the CDZ Capitol Dominance Zone shall be those uses specified for the base district(s) which are included in the CDZ boundary.

2919 SITE DEVELOPMENT REGULATIONS

Site Development Regulations for the CDZ Capitol Dominance Zone shall be those regulations specified for the base district(s), with the addition of the following requirements:

In close proximity to the State Capitol, the height of surrounding buildings should be limited, but the permitted height may increase as the distance from the Capitol increases. Within 1/4 mile (1,320 feet) of the State Capitol, permitted building heights shall be established by a line that forms a  $2\frac{1}{2}^{\circ}$  angle from the base of the Capitol dome and the imaginary plane established at 653 feet elevation above sea level. The formula for calculating the height ceiling at intermediate points shall be established by multiplying the distance from the Capitol center dome by the tangent of  $2\frac{1}{2}^{\circ}$  or .04366, and adding this to 653 feet elevation.

2920 CAZ CONGRESS AVENUE ZONE

2921 PURPOSES

The CAZ Congress Avenue Zone is intended for application in combination with the CBD and DMU base districts in order to protect the historic character and symbolic significance of Congress Avenue and to enhance the pedestrian environment along this unique downtown corridor.

2922 BOUNDARIES

The boundaries of the CAZ Congress Avenue Zone shall include all properties between alleys on either side of Congress Avenue from First Street to Eleventh Street.

2923 USE REGULATIONS

Permitted and conditional uses for the CAZ Congress Avenue Zone shall be those uses specified for the base district.

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2924 SITE DEVELOPMENT REGULATIONS

Site development regulations for the CAZ Congress Avenue Zone shall be those regulations specified for the base district with the addition of the following requirements:

1. Within 60 feet adjacent to Congress Avenue, the heights of buildings shall be a minimum of 30 feet and a maximum of 90 feet.
2. To the extent glass is utilized, clear or lightly tinted glass shall be used on the first floor of all buildings and structures.
3. Reflective surface building materials shall be limited to use only when there is no glare.

There shall be no surface parking lots, nor curb cuts, nor unscreened garage openings at any level permitted as a result of any new development within identified Overlay Zone Boundaries on Congress Avenue, East 6th/Pecan Street, or along the street frontage adjacent to Downtown Parks or Town Lake, or along Downtown Creek frontages. The Planning Commission shall have the right to waive one or more of these requirements provided that the Commission includes a finding in its approval that: (1) the applicant has demonstrated that adherence to the regulations is impractical, and (2) the applicant has demonstrated that the proposed project will not unreasonably impair pedestrian and vehicular movement in the affected area and adequate precautions have been made for public safety, convenience and the aesthetic values of the Overlay Zone.

The decision of the Planning Commission may be appealed to the City Council. If the City Council approves such application, it shall be required to make the same findings as provided hereinabove.

2925 PSZ E. SIXTH/PECAN STREET ZONE

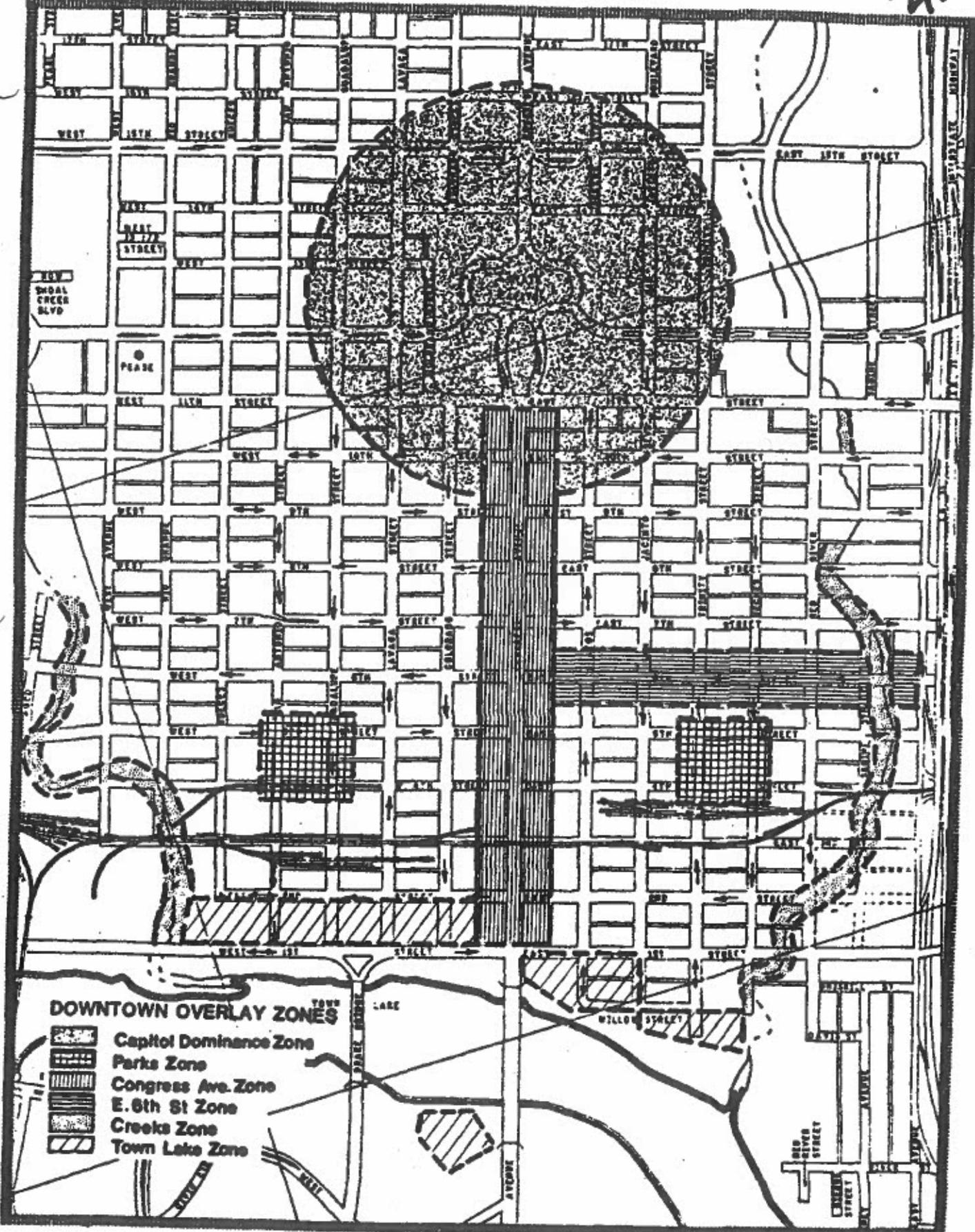
2926 PURPOSES

The PSZ E. Sixth/Pecan Street Zone is intended for application in combination with the CBD and DMU base districts in order to protect the historic character of East Sixth/Pecan Street and to enhance the pedestrian orientation of this unique urban area.

2927 BOUNDARIES

The boundaries of the PSZ E. Sixth/Pecan Street Zone shall include all properties between alleys and the extension of alley lines on either side of E. Sixth/Pecan Street from I.H. 35 to the alley east of Congress Avenue.

C12/42

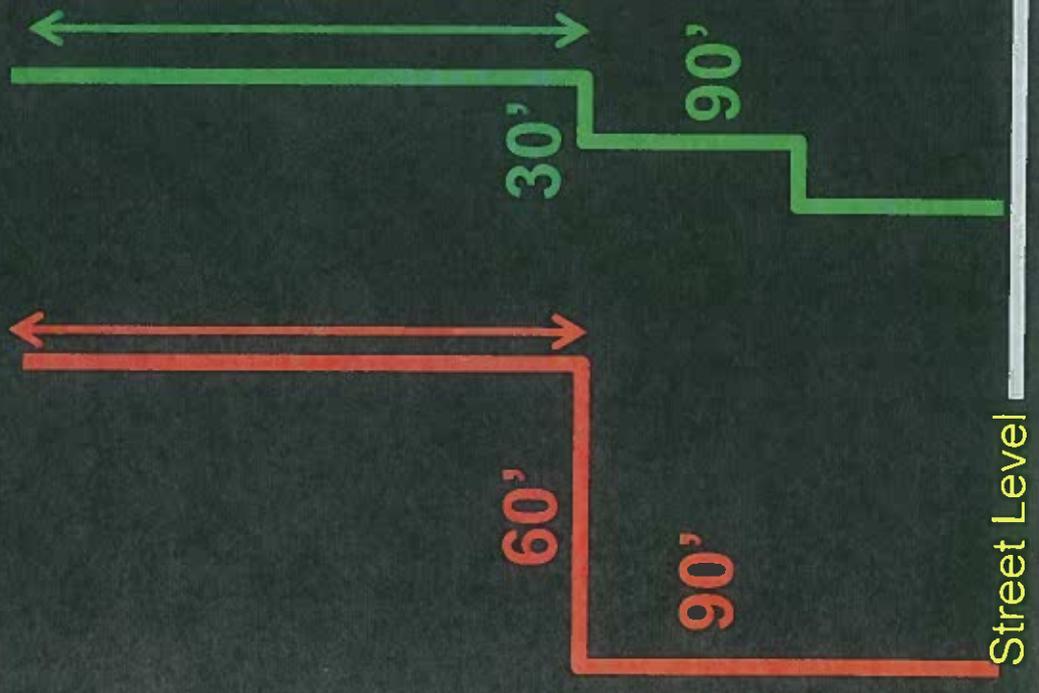


**DOWNTOWN OVERLAY ZONES**

-  Capitol Dominance Zone
-  Parks Zone
-  Congress Ave. Zone
-  E. 8th St Zone
-  Creeks Zone
-  Town Lake Zone

# Congress Avenue Overlay

 City Code  CURE Request



C12/43

C12  
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## PETITION

Case Number: **C14-2011-0065**  
**800 & 804 Congress Ave**

Date: 2/2/2012

Total Square Footage of Buffer:	225267.51
Percentage of Square Footage Owned by Petitioners Within Buffer:	35.85%



Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

C12/45

#	TCAD ID	Address	Owner	Signature	Petition Area	Percent
1	0206030303	123 W 8 ST 78701	HORTON WILMOT ROBERDEAU & JOHN COLEMAN HORTON III	<u>yes</u>	<u>11411.82</u>	5.07%
2	0206030308	720 CONGRESS AVE 78701	TALLICHET HENRI L & GEORGE S	<u>yes</u>	<u>4,299.31</u>	1.91%
3	0206030309	718 CONGRESS AVE 78701	RIO GRANDE SQUARE APARTMENTS I BARCLAY JOHN A III	<u>no</u>	<u>5397.28</u>	0.00%
4	0206030310	716 CONGRESS AVE 78701	FAMILY LIMI LIMITED PARTNERSHIP	<u>yes</u>	<u>5128.16</u>	2.28%
5	0206030311	714 CONGRESS AVE 78701	CMI #7 PARTNERS L P 712 CONGRESS	<u>no</u>	<u>5281.64</u>	0.00%
6	0206030312	712 CONGRESS AVE 78701	LIMITED ATTN HAYDEN BROOKS	<u>yes</u>	<u>666.88</u>	0.30%
7	0206030317	722 CONGRESS AVE 78701	LINDSAY LUCY MONTGOMERY CITY OF AUSTIN %	<u>yes</u>	<u>15081.88</u>	6.70%
8	0206030401	COLORADO ST 78701	REAL ESTATE DIVISION	<u>no</u>	<u>33433.85</u>	0.00%
9	0206030402	COLORADO ST 78701	CITY OF AUSTIN	<u>no</u>	<u>20341.48</u>	0.00%
10	0206030403	107 W 9 ST 78701	CANNON MARTHA P ETAL	<u>no</u>	<u>8087.49</u>	0.00%
11	0206030404	818 CONGRESS AVE 78701	DANFORTH F M & R G MUELLER JR PARTNRSHIP LP	<u>yes</u>	<u>17903.60</u>	7.95%
12	0206030405	816 CONGRESS AVE 78701	MUELLER R G JR PARTNERSHIP LP ETAL	<u>no</u>	<u>4375.1245</u>	0.00%
13	0206030406	816 CONGRESS AVE 78701	816 CONGRESS OWNER L L C	<u>yes</u>	<u>15316.45</u>	6.80%
14	0206030814	719 CONGRESS AVE 78701	LIVE OAK PRODUCTIONS	<u>no</u>	<u>2,904.11</u>	0.00%
15	0206030901	801 CONGRESS AVE 78701	FINLEY COMPANY HELLER ANDREW &	<u>no</u>	<u>10816.74</u>	0.00%
16	0206030902	805 CONGRESS AVE 78701	MARY ANN HELLE MARY ANN HELLER	<u>no</u>	<u>4,336.97</u>	0.00%
17	0206030903	807 CONGRESS AVE 78701	SAFADY EDWARD Z	<u>yes</u>	<u>3,354.70</u>	1.49%

C12  
46

18	0206030904	809 CONGRESS AVE 78701	WUKASCH PROPERTIES LTD L L P	<u>no</u>	<u>3,210.94</u>	0.00%
19	0206030905	811 CONGRESS AVE 78701	JACOBSON REVOCABLE LIVING TRUST THE	<u>no</u>	<u>3,143.60</u>	0.00%
20	0206030906	813 CONGRESS AVE 78701	AMSTAR/STACY 823 LP	<u>no</u>	<u>3,152.09</u>	0.00%
21	0206030907	815 CONGRESS AVE 78701	AMSTAR/STACY 823 LP	<u>yes</u>	<u>2,749.12</u>	1.22%
22	0206030908	817 CONGRESS AVE 78701	WATSON JOHN COVERT PRESSLER HERMAN	<u>yes</u>	<u>2,154.53</u>	0.96%
23	0206030909	819 CONGRESS AVE 78701	ESTATE %823 CONGRESS LTD	<u>no</u>	<u>2,543.27</u>	0.00%
24	0206030910	823 CONGRESS AVE 78701	AMSTAR/STACY 823 LP	<u>yes</u>	<u>2,697.92</u>	1.20%

**Total %**  
35.85%



**GRAVES DOUGHERTY HEARON & MOODY**  
A PROFESSIONAL CORPORATION

512.480.5670  
512.480.5823 (fax)  
jsantere@gdhm.com

MAILING ADDRESS:  
P.O. Box 98  
Austin, TX 78767-9998

C12  
47

January 23, 2012

**RECEIVED**

JAN 23 2012

Planning & Development Review

Greg Guernsey  
Director  
Planning and Development Review  
505 Barton Spring Road, Fifth Floor  
Austin, Texas 78704

Re: C14-2011-0065 – The Austin Hotel – Rezoning property locally known as 800 and 804 Congress Avenue

Dear Mr. Guernsey:

Enclosed please find the **original** signed petitions objecting to the above-referenced zoning case from the following property owners:

Name	Property Address
George S. Tallichet Henri L. Tallichet	720 Congress Avenue
Estate of Martha Leonora Palm Cannon	107 W. 9 <sup>th</sup> Street
John A. Barclay III Family Limited Partnership	716 Congress Avenue
Edward Z. Safady	807 Congress Avenue
Danforth Enterprises I, L.P.	816 Congress Avenue 818 Congress Avenue
John Coleman Horton III, Individually and as Trustee	123 West 8 <sup>th</sup> Street
Norwood Towers LP	114 W. 7 <sup>th</sup> Street
Amstar/Stacy 823 LP	813 Congress Avenue 815 Congress Avenue 823 Congress Avenue
816 Congress Avenue Owner LLC	816 Congress Avenue
Lucy Montgomery Lindsay	105 W. 8 <sup>th</sup> and 11 <sup>th</sup> 111 W. 8 <sup>th</sup> (listed as 722 Congress Avenue)
Lucy Montgomery Lindsay	722 Congress Avenue
712 Congress Limited	712 Congress Avenue
John Covert Watson	817 Congress Avenue

Greg Guernsey  
January 23, 2012  
Page 2

C12  
/48

If you have any questions, please feel free to contact me.

Very truly yours,

GRAVES, DOUGHERTY, HEARON & MOODY, P.C.

By:   
Judy C. Santerre, Paralegal

JCS/clb

Enclosures

cc: Jerry Rusthoven  
Clark Patterson  
Michele Haussmann (Applicant's Agent), Winstead, P.C.

C12  
49

PETITION

Date: \_\_\_\_\_  
File Number C14-2011-0065

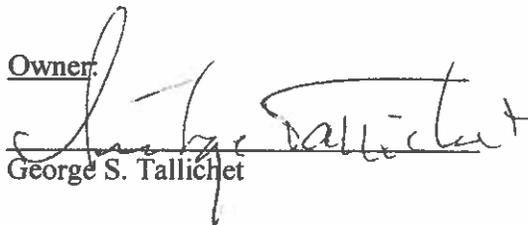
Address of rezoning request:  
800-804 Congress Avenue

To: Austin City Council

The undersigned owner(s) of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than CBD.

The reason for this protest is that we have many concerns relative to the proposed project, including, but not limited to height, Congress Avenue setbacks, parking, traffic circulation, alley access, compatibility with the Capitol View Corridor, and adverse effect on the visual and design integrity of Congress Avenue.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Owner:</u>  George S. Tallichet	<u>Property Address:</u> 720 Congress	<u>TCAD No.</u> 0206030308
---	--	-------------------------------

C12  
50

PETITION

Date: \_\_\_\_\_  
File Number C14-2011-0065

Address of rezoning request:  
800-804 Congress Avenue

To: Austin City Council

The undersigned owner(s) of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than CBD.

The reason for this protest is that we have many concerns relative to the proposed project, including, but not limited to height, Congress Avenue setbacks, parking, traffic circulation, alley access, compatibility with the Capitol View Corridor, and adverse effect on the visual and design integrity of Congress Avenue.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Owner:</u>	<u>Property Address:</u>	<u>TCAD No.</u>
 Henri L. Tallichet	720 Congress	0206030308

C12  
12/51

PETITION

Date: 12/20/2011  
File Number C14-2011-0065

Address of rezoning request:  
800-804 Congress Avenue

To: Austin City Council

The undersigned owner(s) of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than CBD.

The reason for this protest is that we have many concerns relative to the proposed project, including, but not limited to height, Congress Avenue setbacks, parking, traffic circulation, alley access, compatibility with the Capitol View Corridor, and adverse effect on the visual and design integrity of Congress Avenue.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Owner:</u>	<u>Property Address:</u>	<u>TCAD No.</u>
Estate of Martha Leonora Palm Cannon	107 W. 9 <sup>th</sup> Street	0206030403

By: Sabra Ellen Cannon Miller  
Sabra Ellen Cannon Miller

C12/52

**PETITION**

Date: December 19 2011  
File Number C14-2011-0065

Address of rezoning request:  
800-804 Congress Avenue

To: Austin City Council

The undersigned owner(s) of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than CBD.

The reason for this protest is that we have many concerns relative to the proposed project, including, but not limited to height, Congress Avenue setbacks, parking, traffic circulation, alley access, compatibility with the Capitol View Corridor, and adverse effect on the visual and design integrity of Congress Avenue.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Owner:</u>	<u>Property Address:</u>	<u>TCAD No.</u>
Estate of Martha Leonora Palm Cannon	107 W. 9 <sup>th</sup> Street	0206030403

By: Dr. Martha Leonora Owire  
Dr. Martha Leonora Owire

C12  
1/53

PETITION

Date: December 19, 2011  
File Number C14-2011-0065

Address of rezoning request:  
800-804 Congress Avenue

To: Austin City Council

The undersigned owner(s) of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than CBD.

The reason for this protest is that we have many concerns relative to the proposed project, including, but not limited to height, Congress Avenue setbacks, parking, traffic circulation, alley access, compatibility with the Capitol View Corridor, and adverse effect on the visual and design integrity of Congress Avenue.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Owner:</u>	<u>Property Address:</u>	<u>TCAD No.</u>
Estate of Martha Leonora Palm Cannon	107 W. 9 <sup>th</sup> Street	0206030403
By: <u>Deirdre Virginia Cannon</u> Deirdre Virginia Cannon		

PETITION

C12  
54

Date: \_\_\_\_\_  
File Number C14-2011-0065

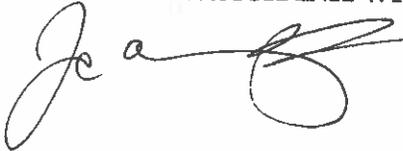
Address of rezoning request:  
800-804 Congress Avenue

To: Austin City Council

The undersigned owner(s) of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than CBD.

The reason for this protest is that we have many concerns relative to the proposed project, including, but not limited to height, Congress Avenue setbacks, parking, traffic circulation, alley access, compatibility with the Capitol View Corridor, and adverse effect on the visual and design integrity of Congress Avenue.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)



Owner:

Property Address:

TCAD No.

John A. BARCLAY III

716 Congress

0206030311000

Family Limited Partnership

C12  
1/55

PETITION

Date: \_\_\_\_\_

File Number C14-2011-0065

Address of rezoning request:  
800-804 Congress Avenue

To: Austin City Council

The undersigned owner(s) of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than CBD.

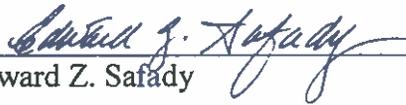
The reason for this protest is that we have many concerns relative to the proposed project, including, but not limited to height, Congress Avenue setbacks, parking, traffic circulation, alley access, compatibility with the Capitol View Corridor, and adverse effect on the visual and design integrity of Congress Avenue.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Owner:

Property Address:

TCAD No.

  
Edward Z. Safady

807 Congress

0206030903

C12  
50

PETITION

Date: \_\_\_\_\_  
File Number C14-2011-0065

Address of rezoning request:  
800-804 Congress Avenue

To: Austin City Council

The undersigned owner(s) of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than CBD.

The reason for this protest is that we have many concerns relative to the proposed project, including, but not limited to height, Congress Avenue setbacks, parking, traffic circulation, alley access, compatibility with the Capitol View Corridor, and adverse effect on the visual and design integrity of Congress Avenue.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Owner:</u>	<u>Property Address:</u>	<u>TCAD No.</u>
Danforth Enterprises I, L.P.	816 Congress Avenue	0206030405
	818 Congress Avenue	0206030404
By: Danforth Enterprises GP, LLC, its general partner		

By: Douglas M. Danforth  
Douglas Mueller Danforth,  
its president

C12  
57

PETITION

Date: \_\_\_\_\_

File Number C14-2011-0065

Address of rezoning request:  
800-804 Congress Avenue

To: Austin City Council

The undersigned owner(s) of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than CBD.

The reason for this protest is that we have many concerns relative to the proposed project, including, but not limited to height, Congress Avenue setbacks, parking, traffic circulation, alley access, compatibility with the Capitol View Corridor, and adverse effect on the visual and design integrity of Congress Avenue.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Owner:

Property Address:

TCAD No.

Wilmot Roberdeau Horton - DECEASED

123 West 8<sup>th</sup> St.

0206030303

  
John Coleman Horton III INDIVIDUALLY  
AS TRUSTEE

C12  
58

PETITION

Date: 12/30/11  
File Number C14-2011-0065

Address of rezoning request:  
800-804 Congress Avenue

To: Austin City Council

The undersigned owner(s) of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than CBD.

The reason for this protest is that we have many concerns relative to the proposed project, including, but not limited to height, Congress Avenue setbacks, parking, traffic circulation, alley access, compatibility with the Capitol View Corridor, and adverse effect on the visual and design integrity of Congress Avenue.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Owner:</u>	<u>Property Address:</u>	<u>TCAD No.</u>
NORWOOD TOWER, L.P.	114 West 7 <sup>th</sup> St.	0206032103

By: THE TEXAS BROADCASTING  
COMPANY, L.L.C., its General Partner

By: John A. Welborn  
Name: John A. Welborn  
Title: Vice President/CFO

C12/59

PETITION

Date: 12/7/2011  
File Number C14-2011-0065

Address of rezoning request:  
800-804 Congress Avenue

To: Austin City Council

The undersigned owner(s) of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than CBD.

The reason for this protest is that we have many concerns relative to the proposed project, including, but not limited to height, Congress Avenue setbacks, parking, traffic circulation, alley access, compatibility with the Capitol View Corridor, and adverse effect on the visual and design integrity of Congress Avenue.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Owner:</u>	<u>Property Address:</u>	<u>TCAD No.</u>
Amstar/Stacy 823 LP	813 Congress	0206030906
	815 Congress	0206030907
By: <u>TS Congress GP, Inc.</u>	823 Congress	0206030910
Name: <u>a Texas Corporation, its general partner</u>		
Title: <u>By: Tom Stacy</u>		
<u>Tom Stacy, Its president</u>		

C12  
/60

**PETITION**

Date: \_\_\_\_\_  
File Number C14-2011-0065

Address of rezoning request:  
800-804 Congress Avenue

To: Austin City Council

The undersigned owner(s) of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than CBD.

The reason for this protest is that we have many concerns relative to the proposed project, including, but not limited to height, Congress Avenue setbacks, parking, traffic circulation, alley access, compatibility with the Capitol View Corridor, and adverse effect on the visual and design integrity of Congress Avenue.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Owner:

Property Address:

TCAD No.

816 Congress Owner LLC

816 Congress Avenue

0206030406

By: \_\_\_\_\_

Jeffrey Pitts

Authorized Signatory

C12  
/1  
61

PETITION

Date: December 14, 2011

File Number C14-2011-0065

Address of rezoning request:  
800-804 Congress Avenue

To: Austin City Council

The undersigned owner(s) of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than CBD.

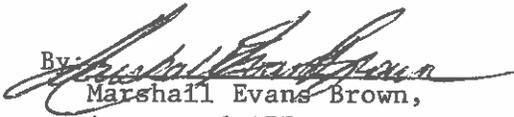
The reason for this protest is that we have many concerns relative to the proposed project, including, but not limited to height, Congress Avenue setbacks, parking, traffic circulation, alley access, compatibility with the Capitol View Corridor, and adverse effect on the visual and design integrity of Congress Avenue.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Owner:  
LUCY MONTGOMERY LINDSAY

Property Address:

TCAD No.

By:   
Marshall Evans Brown,  
Agent and AIF

105 W 8th and 111  
111 W 8th  
(listed as 722 Congress)

02060303170000

C12  
11/62

PETITION

Date: December 14, 2011

File Number C14-2011-0065

Address of rezoning request:  
800-804 Congress Avenue

To: Austin City Council

The undersigned owner(s) of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than CBD.

The reason for this protest is that we have many concerns relative to the proposed project, including, but not limited to height, Congress Avenue setbacks, parking, traffic circulation, alley access, compatibility with the Capitol View Corridor, and adverse effect on the visual and design integrity of Congress Avenue.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Owner:  
LUCY MONTGOMERY LINDSAY

Property Address:

TCAD No.

722 Congress

020603031700001

By:   
Marshall Evans Brown,  
Agent and AIF

C12  
63

POWER OF ATTORNEY

LUCY MONTGOMERY LINDSAY

TO MARSHALL EVANS BROWN  
AND  
DEBORAH BROWN GRISSEN

THE STATE OF SOUTH CAROLINA }

KNOW ALL MEN BY THESE PRESENTS:

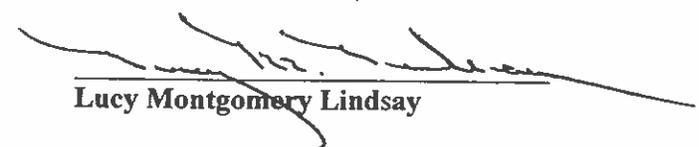
COUNTY OF KERSHAW }

That I, LUCY MONTGOMERY LINDSAY, a single woman, of Camden, South Carolina do hereby appoint and constitute MARSHALL EVANS BROWN and DEBORAH BROWN GRISSEN, or either of them, my true and lawful agents and attorneys-in-fact, vesting in them the following powers and authorities, and all reasonably implied powers and authorities arising therefrom relating to or affecting any and all properties owned by me situated in the State of Texas, to-wit:

1. To execute and deliver grazing and/or agricultural leases, and/or urban or suburban leases, oil, gas and/or mineral leases, farmout agreements, unit agreements, working interest agreements, right-of-way agreements, damage agreements, oil and gas price contracts and division orders, all by way of description but not limitation, and to receive payments therefor on my behalf – all on such terms and conditions and for such consideration as my said agents and attorneys-in-fact, shall deem fit.
2. To determine uncertain things, to settle and compromise disputes and controversies and execute and deliver instruments in consummation thereof.
3. To do and perform generally any and all other acts and things relating to or affecting the use, management, rental, leasing of all Texas properties, including improvements situated thereon owned by me excluding, however, sale, exchange or encumberment thereof.

Finally, I provide that this appointment shall terminate May 24<sup>th</sup>, 2014, unless revoked by me in writing by instrument delivered to the attorneys-in-fact named herein.

WITNESS MY HAND, this the 31<sup>th</sup> day of May, 2009.

  
Lucy Montgomery Lindsay



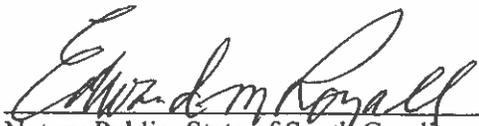
C12  
/64

THE STATE OF SOUTH CAROLINA

COUNTY OF KERSHAW

BEFORE ME, the undersigned, a Notary Public for said County and State, on this day personally appeared **LUCY MONTGOMERY LINDSAY**, a single woman, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 18<sup>th</sup> day of May, 2009.

  
Notary Public, State of South Carolina

C12  
1/10  
65

PETITION

Date: JANUARY 10, 2012  
File Number C14-2011-0065

Address of rezoning request:  
800-804 Congress Avenue

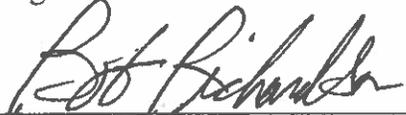
To: Austin City Council

The undersigned owner(s) of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than CBD.

The reason for this protest is that we have many concerns relative to the proposed project, including, but not limited to height, Congress Avenue setbacks, parking, traffic circulation, alley access, compatibility with the Capitol View Corridor, and adverse effect on the visual and design integrity of Congress Avenue.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Owner:</u>	<u>Property Address:</u>	<u>TCAD No.</u>
712 Congress Limited	712 Congress	0206030312

By:   
 Name: BOB RICHARDSON  
 Title: MANAGING PARTNER

C12  
/66

**PETITION**

Date: 1/20/12  
File Number C14-2011-0065

Address of rezoning request:  
800-804 Congress Avenue

To: Austin City Council

The undersigned owner(s) of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than CBD.

The reason for this protest is that we have many concerns relative to the proposed project, including, but not limited to height, Congress Avenue setbacks, parking, traffic circulation, alley access, compatibility with the Capitol View Corridor, and adverse effect on the visual and design integrity of Congress Avenue.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Owner:

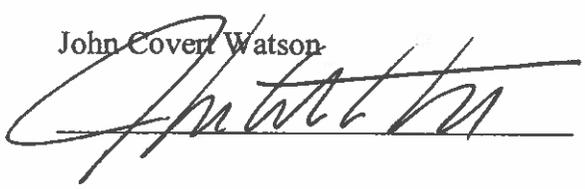
Property Address:

TCAD No.

John Covert Watson

817 Congress

0206030908



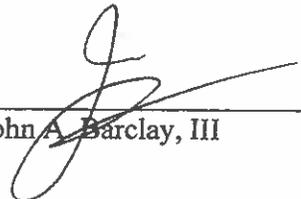
C12  
1/67

**PARTNERSHIP AUTHORIZATION RESOLUTION**

I, John A. Barclay, III, owner (title) of John A. Barclay III Family Limited Partnership (the "Partnership"), hereby certify that the Partnership is duly organized and existing under the laws of the State of Texas, and that John A. Barclay, III is hereby authorized and empowered to sign any and all documents and do such other acts and things, on behalf of said Partnership, as in his or her judgment may be necessary, appropriate or desirable in connection with any matters pertaining to the City of Austin with respect to the following-described real property owned by the Partnership:

716 Congress Avenue, Austin, Texas 78701.

Executed this the 13<sup>th</sup> day of Feb, 2012.

  
\_\_\_\_\_  
John A. Barclay, III

C12/68

**PARTNERSHIP AUTHORIZATION RESOLUTION**

I, Douglas Mueller Danforth, President of Danforth Enterprises GP, LLC, the general partner of Danforth Enterprises I, L.P. (the "Partnership"), hereby certify that the Partnership is duly organized and existing under the laws of the State of Texas, and that the general partner is hereby authorized and empowered to sign any and all documents and do such other acts and things, on behalf of said Partnership, as in its judgment may be necessary, appropriate or desirable in connection with any matters pertaining to the City of Austin with respect to the following-described real property owned by the Partnership:

816 and 818 Congress Avenue, Austin, Texas 78701.

Executed this the 13<sup>th</sup> day of February, 2012.

Douglas M. Danforth  
Douglas Mueller Danforth

C12  
69

**PARTNERSHIP AUTHORIZATION RESOLUTION**

I, Tom Stacy, President of TS Congress GP, Inc., the general partner of Amstar/Stacy 823 LP (the "Partnership"), hereby certify that the Partnership is duly organized and existing under the laws of the State of Texas, and that the general partner is hereby authorized and empowered to sign any and all documents and do such other acts and things, on behalf of said Partnership, as in its judgment may be necessary, appropriate or desirable in connection with any matters pertaining to the City of Austin with respect to the following-described real property owned by the Partnership:

813, 815, and 823 Congress Avenue, Austin, Texas 78701.

Executed this the 10<sup>th</sup> day of Feb, 2012.

  
\_\_\_\_\_  
Tom Stacy

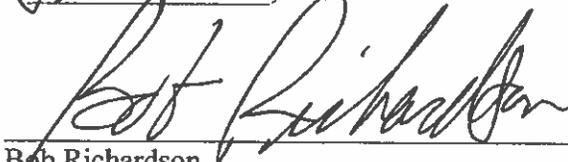
C12  
70

## PARTNERSHIP AUTHORIZATION RESOLUTION

I, Bob Richardson, the Managing Partner of 712 Congress, Limited (the Partnership"), hereby certify that the Partnership is duly organized and existing under the laws of the State of Texas, and that I am hereby authorized and empowered to sign any and all documents and do such other acts and things, on behalf of said Partnership, as in its judgment may be necessary, appropriate or desirable in connection with any matters pertaining to the City of Austin with respect to the following-described real property owned by the Partnership:

712 Congress Avenue, Austin, Texas 78701.

Executed this the 10 day of Feb., 2012.

  
\_\_\_\_\_  
Bob Richardson

C12  
/11

**SECRETARY'S CERTIFICATE**

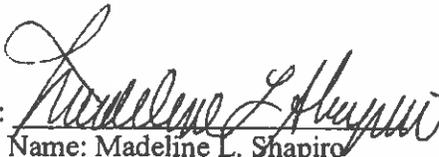
The undersigned, an Assistant Secretary of 816 Congress Owner LLC, a Delaware limited liability company ("Congress Owner"), does hereby certify that:

1. The person listed below holds the title in Congress Owner indicated opposite his name on the date hereof and that the signature appearing opposite his name is a specimen signature of such person; and
2. (i) Attached hereto as Exhibit A is a true and correct copy of an excerpt of a resolution duly adopted by the written consent ("Consent") of the sole equity member and manager of Congress Owner on November 11, 2011 relating to the appointment of certain individuals as officers of Congress Owner; (ii) the term "company" in the Consent is defined as Congress Owner; and (iii) such resolution has not been amended, rescinded or modified in any way and is in full force and effect on the date hereof.

Name	Title	Signature
Jeffrey Fitts	Vice President	

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of February, 2012.

816 Congress Owner LLC

By:   
Name: Madeline L. Shapiro  
Title: Assistant Secretary

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Exhibit A

**RESOLVED**, that pursuant to the Limited Liability Company Agreement of the Company (the "**LLC Agreement**"), the individuals listed below be, and hereby are, elected as officers of the Company in the capacities indicated, to serve at the pleasure of the Manager until their successors have been elected and have qualified, provided that to the extent that any such person is an employee of LAMCO LLC or any of its affiliates ("**LAMCO**"), the Company, Lehman Brothers Holdings Inc. (or its successor) or any of its subsidiaries ("**LBHI**"), or Alvarez & Marsal Holdings, LLC or any affiliates thereof wholly owned by Alvarez & Marsal Holdings, LLC and any of its employees ("**A&M**") and, collectively with LAMCO, LBHI and the company, the "**Entities**") at the time of this election, such person's tenure as an officer (and the authority of such person as an officer) shall immediately cease, without the necessity or acceptance of a resignation or other relinquishment of such position, or any other action by the Manager in the event that such person ceases to be employed by at least one of the Entities, whether by death, retirement, termination of employment with or without cause or otherwise, and any other person heretofore elected an officer of the Company not listed below, shall no longer serve as an officer, and is hereby removed, without cause, from any position held as an officer:

<u>Name</u>	<u>Title</u>
Jeffrey Fitts	Vice President

[Remainder of list omitted]